

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

REALTIME DATA, LLC D/B/A/ IXO,

Plaintiff,

v.

MORGAN STANLEY, ET AL.,

Defendants.

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X

No. 11 Civ. 6696 (KBF)
No. 11 Civ. 6701 (KBF)
No. 11 Civ. 6704 (KBF)

ECF Case

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REALTIME DATA, LLC D/B/A/ IXO,

Plaintiff,

v.

CME GROUP INC., ET AL.,

Defendants.

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X

No. 11 Civ. 6697 (KBF)
No. 11 Civ. 6699 (KBF)
No. 11 Civ. 6702 (KBF)

ECF Case

-----X
REALTIME DATA, LLC D/B/A/ IXO,

Plaintiff,

v.

THOMSON REUTERS, ET AL.,

Defendants.

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X

No. 11 Civ. 6698 (KBF)
No. 11 Civ. 6700 (KBF)
No. 11 Civ. 6703 (KBF)

ECF Case

**DECLARATION OF DANIEL J. MELMAN IN SUPPORT OF REALTIME'S
MEMORANDUM OF LAW IN OPPOSITION TO BANK DEFENDANTS' MOTION
FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY FOR FAILURE TO
SATISFY THE DEFINITENESS AND WRITTEN DESCRIPTION REQUIREMENTS OF
35 U.S.C. § 112**

I, Daniel J. Melman, declare as follows:

1. I am admitted to this Court and am of counsel at the law firm of McKool Smith, attorneys for Plaintiff Realtime Data, LLC d/b/a/ IXO ("Realtime") in the above-captioned matter. I submit this Declaration in support of Realtime's Memorandum of Law in Opposition to Bank Defendants' Motion for Partial Summary Judgment of Invalidity for Failure to Satisfy the Definiteness and Written Requirements of 35 U.S.C. § 112.

2. Attached hereto as Exhibit A is a true and correct copy of United States Patent No. 7,777,651

3. Attached hereto as Exhibit B is a true and correct copy of United States Patent No. 7,714,747

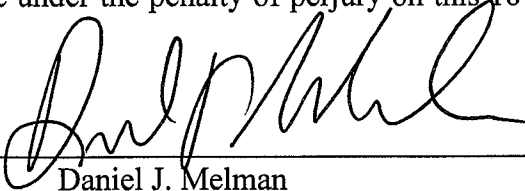
4. Attached hereto as Exhibit C is a true and correct copy of United States Patent Application No. 10/016,355, Publication Number 2002/0097172 A1.

5. Attached hereto as Exhibit D is a true and correct copy of United States Patent Application No. 09/969,987, Publication Number 2002/0080871 A1

6. Attached hereto as Exhibit E is a true and correct copy of an excerpt from the prosecution history of the Reexamination of United States Patent Number 7,714,747 ("the '747 Patent") "Request for *Inter Partes* Reexamination"

7. Attached hereto as Exhibit F are true and correct copy of excerpts from the prosecution history of the Reexamination of United States Patent 7,777,651 ("the '651 Patent") "Request for *Inter Partes* Reexamination"

8. I declare the foregoing to be true under the penalty of perjury on this 18th day of April, 2012.


Daniel J. Melman